

UNITED STATES DISTRICT COURT

for the

Southern District of New York

PHILIP PROLO, an individual,

)

)

)

)

Plaintiff(s)

)

v.

Civil Action No.

DIAMANTÉ BLACKMON, an individual p/k/a " DJ
CARNAGE", CARNAGEFESTIVAL, LLC, a California
Limited Liability Company, individually and doing
business as "HEAVYWEIGHT RECORDS"; [see p.2]

)

)

)

)

Defendant(s)

)

SUMMONS IN A CIVIL ACTION

To: *(Defendant's name and address)* DIAMANTÉ BLACKMON, an individual p/k/a " DJ CARNAGE", CARNAGEFESTIVAL, LLC, a California Limited Liability Company, individually and doing business as "HEAVYWEIGHT RECORDS"; EMPIRE DISTRIBUTION, INC., a California Corporation; MEDIUM RARE, LLC, a Delaware Limited Liability Company; MEDIUM RARE LIVE, LLC, a Delaware Limited Liability Company; TIXR, INC., a Delaware Corporation; and DOES 1 through 10, inclusive,

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Scott Alan Burroughs, Esq.

Laura M. Zaharia, Esq.

DONIGER BURROUGHS

231 Norman Avenue, Suite 413

Brooklyn, NY 11222

Tel: (310) 590-1820

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: January 25, 2021

/S/ S. James

Signature of Clerk or Deputy Clerk

A handwritten signature, appearing to read "Suey 9/27", is overlaid on the circular seal of the United States District Court for the Southern District of New York. The seal features an eagle with wings spread, perched atop a shield, surrounded by the text "UNITED STATES DISTRICT COURT" and "FOR THE SOUTHERN DISTRICT OF NEW YORK".

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

PHILIP PROLO, an individual,

Plaintiff,

v.

DIAMANTÉ BLACKMON, an individual p/k/a “DJ CARNAGE”; CARNAGEFESTIVAL, LLC, a California Limited Liability Company, individually and doing business as “HEAVYWEIGHT RECORDS”; EMPIRE DISTRIBUTION, INC., a California Corporation; MEDIUM RARE, LLC, a Delaware Limited Liability Company; MEDIUM RARE LIVE, LLC, a Delaware Limited Liability Company; TIXR, INC., a Delaware Corporation; and DOES 1 through 10, inclusive,

Defendants.

Case No.:

COMPLAINT FOR COPYRIGHT INFRINGEMENT

JURY TRIAL DEMANDED

Plaintiff, by and through his undersigned attorneys, hereby prays to this honorable Court for relief based on the following:

JURISDICTION AND VENUE

1. This action arises under the Copyright Act of 1976.
2. This Court has jurisdiction under 28 U.S.C. § 1331 and 1338 (a) and (b).
3. Venue is proper under 28 U.S.C. § 1391(c) and 1400(a) because a substantial part of the acts and omissions giving rise to the claims occurred here.

PARTIES

4. Plaintiff is an individual primarily residing in Palm Beach, Florida.

Civil Action No. _____

PROOF OF SERVICE

(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))

This summons for (*name of individual and title, if any*) _____
was received by me on (*date*) _____.

- I personally served the summons on the individual at (*place*) _____
on (*date*) _____; or
- I left the summons at the individual's residence or usual place of abode with (*name*) _____,
_____, a person of suitable age and discretion who resides there,
on (*date*) _____, and mailed a copy to the individual's last known address; or
- I served the summons on (*name of individual*) _____, who is
designated by law to accept service of process on behalf of (*name of organization*) _____
on (*date*) _____; or
- I returned the summons unexecuted because _____; or
- Other (*specify*): _____

My fees are \$ _____ for travel and \$ _____ for services, for a total of \$ 0.00 _____.

I declare under penalty of perjury that this information is true.

Date: _____ *Server's signature*

_____ *Printed name and title*

_____ *Server's address*

Additional information regarding attempted service, etc: